

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10

In re Patent Application of)

ELIYAHOU HARARI, ROBERT D.)
NORMAN and SANJAY MEHROTRA)

Serial No.: 08/789,421)

Filed: January 29, 1997)

For: FLASH EEPROM SYSTEM)

Group Art Unit: 2413

Examiner: Ly V. Hua

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GROUP 2400

San Francisco, California

Hon. Commissioner of
Patents and Trademarks
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

SanDisk Corporation, a Delaware corporation having a principal place of business in Sunnyvale, California, is the owner of the entire interest in the above-captioned patent application and of its parent patent no. 5,602,987, granted from application Serial No. 08/174,768, filed December 29, 1993, by way of the following two documents, copies of which are attached hereto:

(1) a written Assignment dated March 28, 1990, from the inventors to SunDisk Corporation, a Delaware corporation, made in common parent application Serial No. 07/337,566, filed April 13, 1989, now abandoned, the Assignment having been recorded in the United States Patent and Trademark Office at reel 5264, frames 0766-0768; and

(2) a Restated Certificate of Incorporation of SunDisk Corporation, dated August 28, 1995, from the Delaware Office of the Secretary of State, changing its name to SanDisk Corporation, the Restated Certificate having been recorded in the United States Patent and Trademark Office in connection with parent application Serial No. 08/174,768, at reel 8224, beginning at frame 0491.

SanDisk Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned patent application which would

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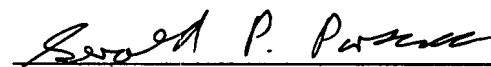
extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of prior patent no. 5,602,987. SanDisk Corporation hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-captioned patent application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, SanDisk Corporation does not disclaim the terminal part of any patent granted on the above-captioned patent application that would extend to the expiration date of its full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent no. 5,602,987, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

This Terminal Disclaimer is being made by the undersigned attorney of record.

Dated: December 17, 1997

Respectfully submitted,


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